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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,964	11/24/2003	Roger S. Kerr	82473ANAB	5210

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EXAMINER

MAZUMDAR, SONYA

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,964

Applicant(s)

KERR ET AL.

Examiner

Sonya Mazumdar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeen et al. (US 6,022,440) in view of Thomas et al. (US 4,456,570).

As to Claim 1, Nordeen et al. discloses a method for laminating a pre-press proof comprising creating a coated sheet of plastic material; laminating a pre-laminate sheet of material consisting of a first thermoplastic layer and a first support layer to the coated sheet of plastic material; removing the first support layer forming a pre-laminated receiver stock; creating an imaged receiver sheet with a second support layer; laminating the imaged receiver sheet with a pre-laminated receiver stock; and removing the second support layer forming a pre-press proof (column 10, lines 31-58; column 6, lines 41-43 and 60-63; column 7, lines 7-9 and 13-19 and 28-32; column 3, lines 3-4). Nordeen et al. does not disclose plasma etching the sheet of plastic material. It is well known and conventional in the adhesive bonding art, as disclosed by Thomas et al. (column 1, lines 28-35), to plasma etch the bonding surface of a polymeric sheet to increase the adherence of the polymeric sheet to other substrates. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Nordeen et al. to include plasma etching the sheet of plastic material as

suggested by Thomas et al. to increase the adherence of the plastic sheet to the other sheet materials thereby resulting in a securely bonded laminate.

As to Claim 10, Nordeen et al. discloses a method wherein the image is an inkjet generated image (column 3, lines 1-2).

3. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeen et al. (US 6,022,44) and Thomas et al. (US 4,456,570) as applied to claim 1 above, and further in view of Sasaki (US 4,786,537). As to Claims 2 and 3, the references as combined (see Nordeen et al.) disclose a method wherein the removable first and second support layers are coated paper substrates (column 3, lines 25-26), but the references as combined are silent as to a method wherein the first and second support layers are comprised of a support base and a release layer. It is well known and conventional in the transfer art, as disclosed by Sasaki (column 2, lines 60-63), to provide a support layer with a structure comprised of a support base and a release layer, i.e. a paper support base having a silicone release layer. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the coated paper disclosed by the references as combined with a structure comprised of a support base, i.e. a paper substrate, and a release layer, i.e. a silicone layer, as suggested by Sasaki; the utilization of a removable support layer having a support base and a release layer being well established in the art.

4. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeen et al. (US 6,022,440) and Thomas et al. (US 4,456,570) as applied to claim 1 above, and further in view of Sasaki (US 4,786,537) and Kolobow (US 4,093,515). As to Claim

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4, the references as combined (see Nordeen et al.) disclose a method wherein the removable support layer is a coated paper substrate (column 3, lines 25-26), but the references as combined are silent as to a method wherein the support layer is comprised of a support base and a release layer. It is well known and conventional in the transfer art, as disclosed by Sasaki (column 2, lines 60-63), to provide a support layer with a structure comprised of a support base and a release layer, i.e. a paper support base having a silicone release layer. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the coated paper disclosed by the references as combined with a structure comprised of a support base, i.e. a paper substrate, and a release layer, i.e. a silicone layer as suggested by Sasaki; the utilization of a removable support layer having a support base and a release layer being well established in the art.

As to Claim 4, the references as combined do not disclose a method wherein the support layer includes an aluminized layer. It is well known and conventional in the laminating art, as disclosed by Kolobow (column 5, lines 27-34), to provide a removable support layer with an aluminized layer to promote the releasability of the support layer. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the support layer of the references as combined to include an aluminized layer as suggested by Kolobow to promote the releasability of the support layer.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeen et al. (US 6,022,440) and Thomas et al. (US 4,456,570) as applied to claim 1 above, and further in view of Pilu (US 6,460,993). As to Claims 5 and 6, the references

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as combined (see Nordeen et al.) disclose a pre-press proof formed by the method recited in Claim 1, but does not disclose a pre-press proof with a resolution of between 1000 dpi and 4000 dpi or a resolution of between 1800 dpi and 3000 dpi. Pilu discloses that it is not uncommon for individual users to possess ink jet printers which have a resolution of perhaps up to 2400 dpi and that high resolution printing results in printed items which are more convincing (column 3, lines 44-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the pre-press proof of the references as combined with a resolution of between 1800 dpi and 3000 dpi, i.e. 2400 dpi, as suggested by Pilu to yield a convincing image with excellent clarity.

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeen et al. (US 6,022,440) and Thomas et al. (US 4,456,570) as applied to claim 1 above, and further in view of Yamaguchi (US 6,435,640). As to Claims 7 and 8, the references as combined (see Nordeen et al.) disclose providing the imaged receiver sheet with an inkjet generated image (column 3, lines 1-2), but the references as combined are silent as to the imaged receiver sheet comprising either a monochrome or a multi-colored image. It is well known and conventional in the printing art, as disclosed by Yamaguchi (column 3, lines 40-42), to provide ink jet printed images in either monochrome or multicolor to create customized images. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the inkjet generated image of the references as combined as either a monochrome or multi-colored image as suggested by Yamaguchi; the utilization of inkjet printing to provide both monochrome and multi-colored images being well established in the art.

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7. Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeen et al. (US 6,022,440) and Thomas et al. (US 4,456,570) as applied to claim 1 above, and further in view of Johnson et al. (US 6,593,390). As to Claim 11, the references as combined do not disclose a method wherein the plasma etching takes place in a printing press. It is well known in the material handling art, as disclosed by Johnson et al. (column 8, lines 40-47), to pre-treat the printing surfaces of substrates with plasma etching prior to carrying out the printing process to promote greater adhesion of the ink onto the surface of the substrate. Since plasma etching is often performed in close coordination with a printing process, it would have been obvious to one of ordinary skill in the art to modify the method of the references as combined to provide the plasma etching of the sheet of plastic material in the ink jet printing device prior to the printing of the sheet of plastic material.

Response to Arguments

8. In response to the applicant's cancellation of Claims 12, 14-19, 21 and 22, the rejections of those claims under 35 USC 103(a) have been withdrawn.

In response to the applicant's arguments against Claim 1, in section A of the response, the polymeric sheet of Nordeen et al. referred to is the substrate (column 7, lines 7-9) and not the support layer as suggested by the applicant. Thomas is relied on for the teaching of subjecting the substrate to plasma etching to increase the adherence of the substrate. Thomas also speaks of surface treating to make films more receptive to inks (column 1, lines 28-35) therefore it would have been obvious to modify the

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polymeric sheet described in Nordeen et al. by plasma etching, based on the teachings of Thomas. There is a proper combination of art in this case.

In response to the applicant's arguments against Claim 1, in section B of the response, the process by Nordeen et al. described above does not teach away from the claimed invention. The applicant is mischaracterizing the rejection and the substrate, which is etched, maintains adhesion with the ink receptive layer. Therefore, with the exception of the plasma etched substrate, Nordeen et al. teaches all the steps in the method anticipated by Claim 1 and Thomas was relied on to provide motivation for plasma etching.

In response to the applicant's arguments against Claim 1, in section C of the response, the applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

In response to the applicant's arguments against Claim 2, Nordeen et al. clearly discloses a thermoplastic layer between the support layer and the plastic ink receptive layer. The thermoplastic layer provides additional assistance for the release of the ink receptive layer from the support and thereon acts as protection for the ink receptive layer (column 6, lines 41-45). Therefore, Nordeen et al. teaches the first support layer anticipated by Claim 2.

In response to the applicant's arguments against Claims 3-8 and 11, Claim 1 is unpatentable over Nordeen et al. and Thomas et al. and because claims 3-8 and 11 depend from claim 1, these claims stand rejected under 35 U.S.C. 103(a).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonya Mazumdar whose telephone number is (571) 272-6019. The examiner can normally be reached on 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone


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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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